

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARC S. KIRSCHNER, as the Trustee of the Refco
Litigation Trust,

Plaintiff,

v.

CHRISTOPHER SUGRUE and JOHN DOES,
individuals,

Defendants.

Civil Case No.
07-645-SLR

MOTION TO EXTEND TIME TO SERVE CHRISTOPHER SUGRUE

Marc S. Kirschner (the “Refco Trustee”), as Court-approved Trustee for the Refco Litigation Trust (the “Trust”),¹ by and through the undersigned counsel, files this Motion to Extend Time to Serve Christopher Sugrue (“Sugrue”).

ARGUMENT

On October 16, 2007, the Trustee filed the *Complaint to Recover Fraudulent Transfers Pursuant to 11 U.S.C. § 550* (the “Complaint”) against Sugrue and certain John Does. The Summons was issued on January 14, 2008.

Although service on a foreign defendant must comport with Federal Rule of Civil Procedure 4(f), which expressly states that Federal Rule of Civil Procedure 4(m) and the 120 day time limit set forth therein does not apply to service on foreign defendants, to the extent that Federal Rule of Civil Procedure 4(m) applies and requires

¹ The Trust is the duly authorized representative to commence all claims and causes of action formerly owned by the bankruptcy estates of Refco Inc. and certain of its subsidiaries pursuant to the Modified Joint Chapter 11 Plan of Refco Inc. and Certain of its Direct and Indirect Subsidiaries, as confirmed by the United States Bankruptcy Court for the Southern District of New York on December 15, 2006.

the Refco Trustee to serve its complaint within 120 days of filing, good cause exists for the Court to extend the time for the Refco Trustee to serve Sugrue.

Sugrue is a United States resident who has fled abroad. Over the course of the preceding six months, the Refco Trustee has been actively investigating Sugrue's location. Sugrue, however, has taken aggressive steps to conceal his location. The Refco Trustee is working to effectuate service on Sugrue pursuant to the Hague Convention. The Refco Trustee has retained APS International, Ltd. ("APS"), a company with expertise and experience in international service of process, to assist the Refco Trustee with international service on Sugrue once he has been located. APS estimates that the entire process for service on Sugrue, which must comport with the requirements of the Hague Convention, will take until approximately August 2008.

Based on the foregoing, the Refco Trustee requests that he be afforded additional time to investigate the location of Sugrue and be provided additional time to serve the Complaint and Summons on Sugrue pursuant to the requirements of the Hague Convention.

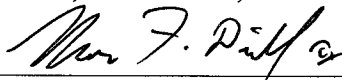
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CONCLUSION

WHEREFORE, the Refco Trustee requests that the Court extend the time for service of the Complaint on Sugrue until such time as the Refco Trustee has completed its investigation and been able to effectuate service pursuant to the Hague Convention.

Dated: May 14, 2008
Wilmington, Delaware

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Refco Litigation Trust**

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Re: D.I. _____

ORDER EXTENDING TIME TO SERVE CHRISTOPHER SUGRUE

Upon consideration of the Motion to Extend Time to Serve Christopher Sugrue
(the "Motion")¹, it is hereby:

ORDERED that the Motion is GRANTED; and it is further

ORDERED that the time for service of the Complaint on Christopher Sugrue is
extended until August 31, 2008.

Dated: _____, 2008

THE HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT COURT JUDGE

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¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.